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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 IN RE: MIDLAND CREDIT
12 MANAGEMENT, INC., TELEPHONE
13 CONSUMER PROTECTION ACT
14 LITIGATION
15

MDL No.: 2286

**ORDER STAYING ALL NON-TCPA
CAUSES OF ACTION**

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17 The Transfer Order creating this Multidistrict Litigation (“MDL”) specifies the
18 plaintiffs in the member actions allege that Defendants Midland Credit Management,
19 Inc., Midland Funding, LLC, and Encore Capital Group, Inc. (collectively, “Midland”)
20 “violated the federal Telephone Consumer Protection Act[, 47 U.S.C. § 227, *et seq.*
21 (hereinafter “TCPA”)] by placing debt collection calls to debtors’ cell phones using an
22 automated system, without the debtors’ consent.” Doc. No. 1 at 1. Based on the TCPA
23 allegations, the Judicial Panel on Multidistrict Litigation (“the Panel”), found that
24 “[d]iscovery into the defendants’ policies and practices with respect to calling procedures
25 likely will be necessary across the . . . actions, and centralization will eliminate
26 duplicative discovery and present inconsistent pretrial rulings.” *Id.*

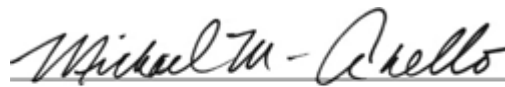
27 “[T]he power to stay proceedings is incidental to the power inherent in every court
28 to control the disposition of the causes on its docket with economy of time and effort for

1 itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). In
2 determining whether a stay is appropriate, the Court must “weigh competing interests and
3 maintain an even balance.” *Id.* The Court may grant a stay in a variety of circumstances
4 in the interests of the efficiency of its own docket, and fairness to the parties. *Leyva v.*
5 *Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979); *see also Rivers v. Walt*
6 *Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (“whether or not to grant a stay is
7 within the court’s discretion and it is appropriate when it serves the interests of judicial
8 economy and efficiency.”).

9 Many of the member cases raise non-TCPA causes of action. However, settlement
10 of the first Consolidated Complaint did not address any of those causes of action, the
11 Court struck the non-TCPA cause of action from the Consolidated Amended Complaint
12 (“CAC”), and suggested remand of cases where the TCPA causes of action have been
13 resolved but other non-TCPA causes of action remained. *See* Doc. Nos. 23, 538, 563.
14 Based on the Panel’s Transfer Order, the procedural history of this MDL, and to serve the
15 interests of judicial economy and efficiency, the Court concludes that a stay of all non-
16 TCPA causes of action in all member cases is warranted. *See In re Smith Patent*
17 *Litigation*, 407 F. Supp. 1403, 1404 n.3 (J.P.M.L. 1976) (stating that “[t]he scope of the
18 coordinated or consolidated pretrial proceedings and the extent to which discovery is
19 permitted are matters exclusively within the control of the transferee judge”).
20 Accordingly, the Court **STAYS** all non-TCPA causes of action in all member cases
21 pending remand of those cases to their original districts or resolution of this MDL.

22 **IT IS SO ORDERED.**

23 Dated: March 6, 2018

24 
25 Hon. Michael M. Anello
26 United States District Judge
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